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EXAMINER	
CHOUDHURY, AZIZUL Q	

ART UNIT	PAPER NUMBER
2145	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/972,424	MATICHUK ET AL.	
	Examiner	Art Unit	
	Azizul Choudhury	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 2/12/07.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-40 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 28 May 2002 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 6/10/02.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

The current office action is in response to the correspondence received on February 12, 2007.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Killian (US Pat No: US006163316A), hereafter referred to as Killian.

1. With regards to claim 1, Killian teaches a method of programming a media-based device over a network, the method comprising: enabling an advertisement for a broadcast program to be provided on a first web site (column 5, lines 10-29, Killian), wherein the broadcast program is scheduled to be broadcast at a predetermined start time (column 8, lines 19-26, Killian); enabling selection of the advertisement; and in response to selection of the advertisement, allowing automatic programming of the media-based device to record the broadcast program at the predetermined start time (Killian teaches how a website interface

allows a user to select to record a show on a recorder at the predetermined start time; column 5, line 51 – column 6, line 5 and column 8, lines 19-26, Killian).

2. With regards to claim 2, Killian teaches the method wherein the advertisement comprises a hyperlink to a second web site capable of accessing the media-based device, the hyperlink being embedded in the first web site (Killian teaches how a link leads a viewer to a second site; column 5, lines 19-21, Killian. The show can be recorded from the webpage; column 5, line 51 – column 6, line 5, Killian).

3. With regards to claim 3, Killian teaches the method, wherein enabling selection of the advertisement and allowing automatic programming of the media-based device are invoked by one click on the hyperlink (Killian allows for various input devices, including a mouse and touch screen and teaches the use of hyperlinks; column 4, lines 47-50 and column 5, lines 10-29, Killian).

4. With regards to claim 4, Killian teaches the method, further comprising: allowing the second website to monitor a count of a number of times the hyperlink is selected; and enabling the second website to periodically collect revenue from the first website based on the count (Killian's design allows for tracking of customers, it is inherent that cookies are applied; column 10, lines 1-17, Killian.

In addition, it is inherent that revenue can be captured in cable/satellite services; column 3, lines 50-57, Killian).

5. With regards to claim 5, Killian teaches the method, wherein the revenue comprises a percentage of advertising revenue associated with the advertisement (Killian's design allows for tracking of customers, it is inherent that cookies are applied; column 10, lines 1-17, Killian. In addition, it is inherent that revenue can be captured in cable/satellite services; column 3, lines 50-57, Killian).

6. With regards to claim 6, Killian teaches the method, wherein the media-based device comprises a video replay system (element 20, Figure 1, Killian).

7. With regards to claim 7, Killian teaches the method, wherein enabling selection of the advertisement comprises: enabling identification of a user selecting the advertisement; and enabling authentication of the user with the media-based device (Killian's design tracks users through viewer profiles; column 10, lines 1-17, Killian).

8. With regards to claim 8, Killian teaches the method, wherein enabling identification of a user selecting the advertisement comprises: allowing identification of a cookie associated with the user; and enabling the cookie to be

forwarded to the media-based device (Killian's design allows for tracking of customers, it is inherent that cookies are applied; column 10, lines 1-17, Killian).

9. With regards to claim 9, Killian teaches the method, wherein the cookie is extracted from a client enabled to communicate with the first website (Killian's design allows for tracking of customers, it is inherent that cookies are applied; column 10, lines 1-17, Killian).

10. With regards to claim 10, Killian teaches the method, wherein the cookie is extracted from a computer hosting the first website (Killian's design allows for tracking of customers, it is inherent that cookies are applied; column 10, lines 1-17, Killian).

11. With regards to claim 11, Killian teaches the method, wherein enabling identification of a user selecting the advertisement comprises: enabling linking of the first web site to a second web site; allowing navigation to the second web site; and in response, the second web site enabling prompting of a user for identification data (column 10, lines 40-44, Killian).

12. With regards to claim 12, Killian teaches the method, wherein enabling identification of a user selecting the advertisement comprises: enabling determination of a URL for the first web site; and enabling determination of

partner identification information associated with the first web site (Killian's design allows for hyperlinks; column 10, lines 40-44, Killian. It is inherent that when a link is clicked, it will redirect/open a new site/data).

13. With regards to claim 13, Killian teaches the method, wherein allowing automatic programming of the media-based device to record the broadcast program comprises: enabling determination of a user associated with the media-based device; allowing navigation from the first web site to a second web site; and allowing the user to log into the second web site (Killian's design tracks users through viewer profiles; column 10, lines 1-17, Killian).

14. With regards to claim 14, Killian teaches the method, wherein the advertisement comprises a clickable online advertisement for a broadcast program to be aired (Killian teaches how a website interface allows a user to select to record a show on a recorder at the predetermined start time; column 5, line 51 – column 6, line 5 and column 8, lines 19-26, Killian).

15. With regards to claim 15, Killian teaches the method, where broadcast program comprises a television program (column 3, line 59 – column 4, line 19, Killian).

16. With regards to claim 16, Killian teaches the method, where broadcast program comprises a cable program (column 3, line 53 – column 4, line 19, Killian).

17. With regards to claim 17, Killian teaches the method, where broadcast program comprises a pay-per-view program (column 3, line 59 – column 4, line 19, Killian).

18. With regards to claim 18, Killian teaches the method, where broadcast program comprises a satellite-based program (column 3, line 53 – column 4, line 19, Killian).

19. With regards to claim 19, Killian teaches a method of programming a media-based device to record content through a web based application, comprising: receiving a selection of an advertisement of a broadcast program to be aired at a predetermined start time (column 8, lines 5-26, Killian); extracting identification information associated with a user making the selection and with broadcast program (column 8, lines 5-26, Killian); accessing a source web service in response to the user selection received (column 8, lines 5-26 and Figure 1, Killian); logging into the source web service using the identification information (equivalent to viewer profiles; column 10, lines 1-17, Killian).; and the source web service programming the media-based device to record the broadcast program selected at the predetermined start time (column 8, lines 19-26, Killian).

20. With regards to claims 20, 25 and 30, Killian teaches a method, wherein the media-based device records the broadcast program with one click from the user of the advertisement (Killian allows for various input devices, including a mouse and touch screen and teaches the use of hyperlinks; column 4, lines 47-50 and column 5, lines 10-29, Killian).

21. With regards to claims 21, 26 and 39, Killian teaches a method, wherein the advertisement comprises a clickable online advertisement for a broadcast program (Killian allows for various input devices, including a mouse and touch screen and teaches the use of hyperlinks; column 4, lines 47-50 and column 5, lines 10-29, Killian).

22. With regards to claims 22 and 27, Killian teaches a method, further comprising: collecting revenue based on the advertisement selected (Killian's design allows for tracking of customers, it is inherent that cookies are applied; column 10, lines 1-17, Killian. In addition, it is inherent that revenue can be captured in cable/satellite services; column 3, lines 50-57, Killian).

23. With regards to claims 23, 28, 32, 34, 36 and 38, Killian teaches a method, wherein the media-based device comprises a digital video recorder (column 3, lines 10-12, Killian).

24. With regards to claim 24, Killian teaches a computer-implemented method for controlling a media-based device through a virtual browser, the method comprising; the steps of the virtual browser: receiving from a client system a selection of an advertisement of a broadcast program to be aired (column 8, lines 5-26, Killian); extracting identification information associated with a user making the selection and with the broadcast program (column 8, lines 5-26, Killian); accessing an online web service using the identification information (equivalent to viewer profiles; column 10, lines 1-17, Killian); and invoking the media-based device to record the broadcast program selected (column 8, lines 19-26, Killian)., wherein the media-based device is different from the client system (The recorder of Killian's design is separate from the client system; Figure 1, element 20, Killian)

25. With regards to claim 29, Killian teaches method for programming a media-based device that is network enabled, comprising: receiving from a client system a user command that causes a first server to access a second server, the first server transmitting identifying information of the user to the second server (Figure 1, elements 46 and 48, Killian); the second server authenticating the user based on the identifying information (equivalent to viewer profiles; column 10, lines 1-17, Killian); the second server accessing the media-based device to program the media-based device with the identifying information (column 8, lines 19-26, Killian), wherein the media-based device is different from the client system (The

recorder of Killian's design is separate from the client system; Figure 1, element 20, Killian)

26. With regards to claim 31, Killian teaches the method, wherein the advertisement identifies a broadcast program to be aired, and the identifying; information comprises data related to the broadcast program (column 8, lines 19-26, Killian)

27. With regards to claim 33, Killian teaches a system, comprising: a client side system enabled to allow selection of an online advertisement for a broadcast program while navigating a first web site, wherein the broadcast program is scheduled to be broadcast at a predetermined start time (column 8, lines 5-26, Killian); and a server side system enabled to automatically program a media-based device to record the broadcast program after selection of the online advertisement (column 8, lines 5-26 and Figure 1, Killian), the media-based device being communicatively coupled to the server side system over a network in response to the advertisement being selected (The recorder of Killian's design is separate from the client system; Figure 1, element 20, Killian)

28. With regards to claim 35, Killian teaches a browser program product for programming a media-based device over a network, the browser program product stored on a computer readable medium and adapted to perform the operations of: enabling an advertisement for a broadcast program to be provided

on a first web site (column 5, lines 10-29, Killian), wherein the broadcast program is scheduled to be broadcast at a predetermined start time (column 8, lines 19-26, Killian); enabling selection of the advertisement (column 5, line 51 – column 6, line 5, Killian); and in response, allowing automatic programming of the media-based device to record the broadcast program after selection of the advertisement (Killian teaches how a website interface allows a user to select to record a show on a recorder at the predetermined start time; column 5, line 51 – column 6, line 5 and column 8, lines 19-26, Killian).

29. With regards to claim 37, Killian teaches a computer server program product for programming a media-based device over a network, the computer server program product stored on a computer readable medium, and adapted to perform the operations of a virtual browser, comprising: receiving a selection of an advertisement of a broadcast program to be aired at a predetermined start time (column 8, lines 5-26, Killian); extracting identification information associated with a user making the selection and with broadcast program (column 8, lines 5-26, Killian); accessing an online web service using the identification information (equivalent to viewer profile; column 10, lines 1-17, Killian); and invoking the media-based device to record the broadcast program selected at the predetermined start time (column 8, lines 19-26, Killian).

30. With regards to claim 40, Killian teaches the method wherein allowing automatic programming of the media-based device to record the broadcast program, further comprises: allowing detection of whether the user selected the advertisement previously; and in response to the user previously not selecting the advertisement, enabling the second web site to communicate with the media-based device to record the broadcast program (It is inherent that when a page is not cached, it will retrieve the page associated with the link).

Remarks

The amendment received on February 12, 2007 has been carefully considered but is not deemed fully persuasive. In lieu of the claim amendments to all of the independent claims, a new search has been performed and more pertinent prior art has been found. The current office action cites some of the pertinent portions of the prior art with regards to the latest claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

JASON CARDONE
SUPERVISORY PATENT EXAMINER